

Docket No. ER 1604.02 US
USSN: 09/874,450

PATENT
Art Unit: 2673

REMARKS

This Amendment is in response to the Office Action mailed January 13, 2004. Claims 1, 13, 14, 17, 27, 33-35, 45, and 67-70 are pending in the present application. Applicant has cancelled claims 2-16 and 18-70. Applicant has submitted new claims 71-82. In the Office Action, the Examiner objected to the drawings, rejected claims 1, 13, 14, 27, 33-35, 45, and 67-70 under 35 U.S.C. § 112, first paragraph, and claims 1, 13, 14, 17, 27, 33-35, 45 and 67-70 under 35 U.S.C. § 103. Applicant has canceled claims 2-16 and 18-70, amended claims 1 and 17, and added claims 71-82. Applicant responds as follows.

I. REQUEST FOR RECONSIDERATION OF FINAL REJECTION

Applicant hereby requests reconsideration under MPEP section 706.07(d) as being premature. The Applicant petitioned the Commissioner on November 24, 2003, and the Commissioner has not yet responded. Therefore, Applicant filed a Request for Continued Examination to keep the present Application pending, but expected the Commissioner to decide on the Petition before a final rejection. Without a decision from the Commissioner, it would have been impossible for Applicant to know: (1) if claim amendments were necessary, (2) if so, the scope of the claim amendments that should be made, and (3) on the basis of which figures those claim amendments would find support. Applicant believes the Commissioner's decision would have materially affected both the claims and specification of the present application. Therefore, Applicant respectfully requests that the final rejection be withdrawn.

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II. REJECTION UNDER 35 U.S.C. § 112

The Examiner rejected claims 1, 13, 14, 27, 33-35, 45, and 67-70 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, has possession of the claimed invention.

Applicant has cancelled claims 13, 14, 27, 33-35, 45, and 67-70 so the rejection is moot with respect to those claims. Claim 1 has been amended. Amended claim 1 has limitations similar to claim 1 of US Patent No. 6,256,019 from which the present application claims priority. Applicant believes amended claim 1 is in a condition for allowance for the same reasons stated by the Examiner in paragraph 8, page 7 (paper number 9) of application serial number 09/280,524, now US Patent No. 6,256,019, from which the present application claims priority. For the same reason, amended claim 17 should also be in a condition for allowance.

III. REJECTIONS UNDER 35 U.S.C. § 103

The Examiner rejected claims 1, 13, 14, 17, 27, 33-35, 45 and 67-70 under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,990,803 issued to Park, in view of US Patent No. 5,920,642 issued to Merjanian, in further view of Applicant's admitted prior art (AAPA). Applicant has cancelled claims 13, 14, 27, 33-35, 45 and 67-70 so the rejection is moot with respect to those claims.

Claims 1 and 17 have been amended. Amended claims 1 and 17 have limitations similar to claim 1 of US Patent No. 6,256,019 from which the present application claims priority. Applicant believes amended claims 1 and 17 are in a condition for allowance for the same reasons stated by the Examiner in paragraph

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8, page 7 (paper number 9) of application serial number 09/280,524, now US Patent No. 6,256,019, from which the present application claims priority.

Therefore, Applicant believes that independent claims 1 and 17 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. § 103(a) be withdrawn.

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CONCLUSION

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,

DISCOVISION ASSOCIATES



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Dated: March 15, 2004

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